

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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	:	
UNITED STATES OF AMERICA	:	21cr317 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
ELLIOT SMERLING,	:	
	:	
Defendant.	:	
	:	
-----	X	

DENISE COTE, District Judge:

An initial conference is scheduled to occur on **June 3, 2021** at **2:00 PM**. The defendant is incarcerated. Due to the COVID-19 pandemic, the defendant may have the option of appearing in court or through a videoconference. If, due to the increase in demand for videoconference proceedings, a videoconference is not available it may be possible to arrange for a telephone conference. Accordingly, it is hereby

ORDERED that defense counsel shall respond to the following two questions by **5:00 PM** on **May 27, 2021**:

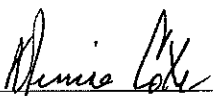
- 1) Does the defendant consent to have the proceeding occur as a videoconference?
- 2) If a videoconference is unavailable, does the defendant consent to have the proceeding occur as a telephone conference?

If the defendant consents to either option, please complete and file on ECF the written consent form attached to this Order if it is feasible to do so.

IT IS FURTHER ORDERED that at that conference, a trial date will be chosen. After the Government recites the procedural history of this case, outlines the nature of the evidence it intends to offer at any trial, and proposes a schedule for the production of discovery materials to the defendants, the Court will consult the parties regarding the scheduling of the trial. After a trial date is selected, a schedule for motions will be set and the propriety of any exclusion of time under the Speedy Trial Act will be addressed.

IT IS FURTHER ORDERED that counsel for the Government and the defendants will consult in advance of the conference to reach agreement, if possible, on a proposed date for the trial.

Dated: New York, New York  
May 19, 2021

  
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DENISE COTE  
United States District Judge